

ARTICLE II. ADMINISTRATION AND PROCEDURES

**ARTICLE II. ADMINISTRATION AND PROCEDURES**

Chapter 17.24 - ADMINISTRATION

Chapter 17.28 - ZONING CLEARANCE CERTIFICATION

Chapter 17.32 - PERMIT AND VARIANCE REQUIREMENTS

Chapter 17.36 - APPLICATION PROCESSING PROCEDURES

Chapter 17.40 - PUBLIC REVIEW PROVISIONS AND APPROVAL STANDARDS

Chapter 17.44 - APPEALS

Chapter 17.48 - DEVELOPMENT AGREEMENTS

Chapter 17.52 - ZONING CODE AMENDMENTS

Chapter 17.56 - REVOCATION PROCEDURE

Chapter 17.60 - ENFORCEMENT

**Chapter 17.24 ADMINISTRATION**

**Sections:**

[17.24.010 General.](#)

[17.24.020 Planning director and planning department.](#)

[17.24.030 Planning commission.](#)

[17.24.040 City manager.](#)

**17.24.010 General.**

This title shall be administered by the planning director under the direction of the council, working with the planning commission and development review committee, as the duties of each are described by this chapter.

(Ord. No. 519, 8-8-2012)

**17.24.020 Planning director and planning department.**

The planning director shall have the responsibility and authority to administer this title. The responsibilities of the planning director may also be carried out by planning department or other city department employees under the supervision of the planning director. The planning director shall have the authority to make interpretations and take actions on permits, variances and certificates as set forth in this title.

ARTICLE II. ADMINISTRATION AND PROCEDURES

(Ord. No. 519, 8-8-2012)

**17.24.030 Planning commission.**

The planning commission shall have the authority to perform the duties and functions delegated by the city council as set forth in this title. The planning commission shall have authority to act on permits and variances as set forth in this title, and to act on such other permits and variances as the council may delegate from time to time. The planning commission shall also make recommendations to the council on amendments to this title and adoption of development agreements.

(Ord. No. 519, 8-8-2012)

**17.24.040 City manager.**

The city manager shall have the authority to act on permits, variances and certificates as set forth in this title.

(Ord. No. 519, 8-8-2012)

**Chapter 17.28 ZONING CLEARANCE CERTIFICATION**

**Sections:**

[17.28.010 Purpose.](#)

[17.28.020 Zoning clearance required.](#)

[17.28.030 Application filing and processing.](#)

**17.28.010 Purpose.**

A zoning clearance certificate verifies substantial compliance with all current requirements of this title and, if applicable, the terms and conditions of any previously approved permit or variance.

(Ord. No. 519, 8-8-2012)

**17.28.020 Zoning clearance required.**

A zoning clearance certification shall be required prior to the issuance of a building permit for new construction, exterior remodeling, new, modified or alterations to landscaping, addition of outdoor mechanical equipment, gateway/entrances (see definitions), relocating or moving buildings, or for any major change in use. In addition, any person may request, and the planning department shall issue, a zoning clearance certification stating the zoning standards for any parcel located within the city.

(Ord. No. 519, 8-8-2012)

**17.28.030 Application filing and processing.**

- A. Application, General. A request for a zoning clearance certification not associated with a building permit application may be made by any individual and shall be made on a form provided by the

ARTICLE II. ADMINISTRATION AND PROCEDURES

planning department. The application shall be accompanied by such information as may be required by the planning department to determine substantial compliance with this title.

- B. Application Associated With a Building Permit. Plans submitted to the building department shall include plans, specifications, drawings and information that demonstrates substantial compliance with this title. The zoning clearance certification associated with the issuance of a building permit shall be indicated by the initials of planning staff set forth on the building permit/application.
- C. Processing Applications. Within fourteen (14) calendar days of receipt of a request for a zoning clearance certification, the planning department shall review the request for substantial compliance with this title and, if applicable, the terms and conditions of any previously approved permit or variance.
- D. Notice. Written notice of the planning director's zoning clearance certification not associated with a building permit shall be mailed to the applicant.
- E. Appeal. An appeal of a zoning clearance certification shall be processed as an appeal of the planning director's decision and shall be made in accordance with Chapter 17.44
- F. Expiration of Zoning Clearance Certificate. A zoning clearance certificate shall expire upon the earlier event of the following:
  - 1. One hundred eighty (180) days after issuance, unless otherwise indicated on the zoning clearance certificate; or
  - 2. When the proposed use or development no longer conforms with all applicable provisions of this title; or
  - 3. If a zoning clearance certification is issued in conjunction with a building permit, the zoning clearance certification shall expire when the building permit expires.

(Ord. No. 519, 8-8-2012)

**Chapter 17.32 PERMIT AND VARIANCE REQUIREMENTS**

**Sections:**

[17.32.010 Permit requirements.](#)

[17.32.020 Variance to development and parking standards.](#)

[17.32.030 Concurrent processing.](#)

**17.32.010 Permit requirements.**

In addition to any other approval required by this code or by applicable law, the following discretionary approvals may be required:

- A. Administrative Permit (AP). An administrative permit shall be obtained pursuant to this title prior to initiation of certain activities or construction of improvements which are permitted pursuant to this title and only upon substantial compliance with specific standards as specified in this title. The approval authority for administrative permits shall be the planning director, and following public notice, he or she may waive the requirement for a public hearing. If a public hearing is requested, the planning director shall schedule and notice the permit for public hearing by the planning commission except as otherwise specified by this title.

ARTICLE II. ADMINISTRATION AND PROCEDURES

- B. Conditional Use Permit (CUP). A conditional use permit shall be obtained prior to initiation of a use pursuant to Article III, and upon compliance with specific standards, as applicable, of Articles IV and V of this title. The approval authority for conditional use permits shall be the planning commission.
- C. Design Review Permit (DRP). A design review permit shall be obtained prior to the issuance of a building permit for any new construction; exterior remodeling; site design and circulation modifications (except as specified below), including parking; modification of a previously approved use permit for site review, or site review; new, modified or alterations to landscaping; addition of mechanical equipment; gateway/entrances (see definitions); modification or alteration of driveway locations; relocating or moving buildings; demolition of a significant building as defined in Chapter 17.200 of this title; and as otherwise required by this title. With the exception of projects involving a significant building, a design review permit is not required for a single-family residence or a two-family residence. The approval authority for a design review permit shall be as provided in subsection C.2., below.
1. Improvements Exempt From Design Review Permit for Multi-family, Commercial and Industrial projects. The following improvements are exempt from the requirements to obtain a design review permit provided the planning director determines, in writing, that the project is substantially consistent with applicable, adopted design guidelines, existing development and adjacent land uses and the project consists of one or more of the following activities:
    - a. Repair and maintenance including repainting and replacement;
    - b. Replacement of landscaping or landscape fencing provided that the planted area is not diminished thereby;
    - c. New landscaping or landscape fencing within designated landscape easements for which landscape guidelines have been approved, if the landscaping is consistent with such guidelines;
    - d. Modifications to parking areas including compliance with Americans with Disabilities Act and re-striping where there is no net decrease in the number of parking spaces;
    - e. Minor building facade improvements such as the rearrangement, modification to or addition of doors, windows and awnings;
    - f. Addition of security facilities including security gates and gate houses at a project entrance;
    - g. Other minor alterations, enlargements or remodels to existing buildings, structures and/or improvements (including new construction on partially developed properties) that (1) do not create the need for new parking nor affect existing or required parking; and (2) are in substantial compliance with applicable, adopted design guidelines; and (3) are substantially compatible with the existing structure and complimentary to the adjacent land uses.
  2. Approval Authority.
    - a. Planning Director (Administrative Design Review Permit).
      - (1) The planning director may approve, conditionally approve or deny a design review permit for projects that are not otherwise exempt, except those identified as required by this title to be reviewed by the planning commission (Section 2.b. below). If in the opinion of the planning director, a project is not in substantial compliance with applicable, adopted design guidelines, prior conditions of approval, or if the planning director determines that, because of location, size or design that the public hearing should not be waived, the planning director shall refer the project for public hearing by the planning commission. The planning

ARTICLE II. ADMINISTRATION AND PROCEDURES

director shall determine whether the project is to be heard by the planning commission. The planning director may approve design review permit extensions and modifications, including changes in project phasing.

- b. Planning Commission. The planning commission may approve, conditionally approve or deny any design review permit processed in conjunction with any permit where the planning commission has been identified as the approval authority including:
  - (1) A design review permit where it is determined by the planning director that because of location, size, design or community interest, a design review permit requires planning commission action;
  - (2) A design review permit in association with an application to modify the zoning ordinance, zoning map or general plan;
  - (3) A design review permit submitted concurrently with a tentative subdivision map, conditional use permit, or planned development;
  - (4) Any project involving demolition of a significant building.
- 3. Deviations After Approval of Design Review Permit. The planning director may approve any changes in those instances where construction/installation deviations are necessitated due to topography, utilities, or soil conditions (geotechnical) after approval of the design review permit. This type of change(s) shall not require the applicant to process additional design review applications. The planning director may also approve deviation of color and plants species after approval of the design review permit. This type of change(s) shall not require the applicant to process additional design review applications.
- D. Sign Permit (SP). No sign may be erected, displayed, reconstructed or altered until a sign permit is granted as set forth in Chapter 17.112 and a building permit (when applicable) has been issued. The approval authority for a sign permit is the planning director (known as an administrative sign permit). The planning director may also delegate administrative sign permit review and approval to other city employees. The planning director also has the discretion to elevate a sign permit application to the planning commission. The planning commission is the approval authority for sign permit projects that have been elevated by the planning director, and for sign permit projects processed in conjunction with any permit where the planning commission has been identified as the approval authority, such as a conditional use permit, rezone or general plan amendment.

The planning director may approve deviation of letter type fonts after approval of a sign permit. This type of change shall not require the applicant to process an additional sign permit application.
- E. Extension (EXT). An extension shall be obtained pursuant to the requirements of Section 17.36.210. The approval authority for extensions shall be the planning director, unless the planning director determines that a public hearing is required. The planning commission shall be the approval authority for any extensions requiring a public hearing.
- F. Modification (MOD). A modification shall be obtained pursuant to the requirements of Section 17.36.180. The approval authority for modifications shall be the planning director, unless the planning director determines that a public hearing is required. The planning commission shall be the approval authority for any modifications requiring a public hearing.
- G. Planned Development (PD). The planning commission shall be the approval authority for planned developments.
- H. General Plan Amendment (GPA). The planning commission shall be the approval authority for projects that involving a general plan amendment.
- I. Rezone (REZ). The planning commission shall be the approval authority for projects involving a rezone.

ARTICLE II. ADMINISTRATION AND PROCEDURES

- J. Development Agreements (DA). The planning commission shall first make a recommendation to the city council on a development agreement. The city council is the approval authority for a development agreement.

(Ord. No. 519, 8-8-2012)

**17.32.020 Variance to development and parking standards.**

- A. Variance (VAR). A variance shall be obtained to allow deviation from the provisions of this title governing the application of development standards such as parking requirements, lot size, width, setbacks, area and height requirements thereof exceeding thirty-five (35) percent of the development standard. No variances from permitted uses for any zone district as set forth in this title shall be granted. A variance to reduce parking requirements shall not be processed administratively. The approval authority for variances shall be the planning commission, except as otherwise identified by this chapter.
- B. Variances, Administrative. Any deviations from this title governing the application of development standards such as lot size, width, setbacks, area and height requirements thereof up to thirty-five (35) percent of the development standard or those relating to accessory structures shall be processed administratively by the planning director.

(Ord. No. 519, 8-8-2012)

**17.32.030 Concurrent processing.**

Whenever a proposed development or use requires the issuance of more than one permit or variance, the applicable processing requirements of this chapter shall apply simultaneously. If any of the concurrent permits or variances are subject to both the administrative review process and the public hearing process, such permit shall instead be reviewed by the approval authority for the permit or variance requiring a public hearing.

(Ord. No. 519, 8-8-2012)

**Chapter 17.36 APPLICATION PROCESSING PROCEDURES**

**Sections:**

[17.36.010 Purpose.](#)

[17.36.020 Application submittal.](#)

[17.36.030 Eligible applicants.](#)

[17.36.040 Submittal requirements.](#)

[17.36.050 Application acceptance and initial review.](#)

[17.36.060 Project referral.](#)

[17.36.070 Project evaluation meeting.](#)

[17.36.080 Acceptance as complete.](#)

[17.36.090 Application review.](#)

[17.36.100 Approval authority action.](#)

[17.36.110 Notice of action.](#)

[17.36.120 Effective date.](#)

ARTICLE II. ADMINISTRATION AND PROCEDURES

[17.36.130 Effect of permit.](#)

[17.36.140 Expiration.](#)

[17.36.150 Land use permit effectuation.](#)

[17.36.160 Diligent pursuit required after effectuation.](#)

[17.36.170 Phased construction.](#)

[17.36.180 Modifications.](#)

[17.36.190 Reconsideration.](#)

[17.36.200 Reapplication.](#)

[17.36.210 Extension.](#)

[17.36.220 Permit to run with land.](#)

**17.36.010 Purpose.**

The purpose of this chapter is to address the processing of an application for a permit or variance from the time it is submitted to the planning department, including acceptance as complete, through issuance of the permit or approval of the variance. This chapter also addresses the process for modifying and extending permit approvals.

(Ord. No. 519, 8-8-2012)

**17.36.020 Application submittal.**

An application for a permit, variance, a permit modification or extension, or other approval required by this title shall be submitted to the planning department on an application form provided by the planning department, and shall include the consent of the lawful owner of record, fees as established by the city council, plans, maps, and any information required by the department at the time the application is submitted. Any application involving property which is determined to carry arrearages to the City of Colfax may, at the discretion of the city manager, be refused. Approvals granted for an application which was submitted containing false or inaccurate information which the applicant knew or should have known, was false or inaccurate, shall be declared null and void and subject to immediate revocation.

(Ord. No. 519, 8-8-2012)

**17.36.030 Eligible applicants.**

A permit application may be filed by:

- A. The lawful owner of record of the parcel, or their duly authorized agents.
- B. A person with lawful power of attorney or other acceptable authority from the lawful owner of record. Evidence of authorization shall be submitted upon request of the planning department.

(Ord. No. 519, 8-8-2012)

ARTICLE II. ADMINISTRATION AND PROCEDURES

**17.36.040 Submittal requirements.**

Every application for a permit shall include the following information:

- A. A description including maps, plans, and other relevant data, of the proposed development, project site and vicinity sufficient to determine whether the project complies with the requirements of these regulations, including sufficient information concerning the existing use of land and water areas in the vicinity of the site of the proposed project insofar as the applicant can reasonably ascertain for the vicinity surrounding the project site.
- B. A description of the applicant's interest in the property upon which work is to be performed.
- C. A dated signature by the property owner, or owners, authorizing the processing of the application, and, if so desired by the property owner, authorizing a representative to bind the property owner to matters concerning the application.
- D. Such other or additional information that the planning director may deem necessary in his or her discretion to determine whether the development as applied for, is consistent with the city's general plan and these regulations.

(Ord. No. 519, 8-8-2012)

**17.36.050 Application acceptance and initial review.**

The planning department shall review all applications for compliance with the submittal requirements. In order to be accepted for processing, an application shall include the required application, filing fees, and plans as defined in Section 17.36.040. Applications submitted without the required information and fees are not required to be accepted for processing.

(Ord. No. 519, 8-8-2012)

**17.36.060 Project referral.**

Upon receipt of an application, the planning department shall refer copies of the application to any city department, local, state or federal agency or other individual or group that the department believes may have relevant authority or expertise on the proposed project.

(Ord. No. 519, 8-8-2012)

**17.36.070 Project evaluation meeting.**

Upon completion of the project referral, and prior to accepting an application as complete, the planning director shall determine whether a project evaluation meeting (PEM) is needed. If it is determined a PEM is needed, a PEM will be scheduled with the applicant, the development review committee and any agencies having jurisdiction over or providing services to the project site as deemed necessary by the planning director. The purpose of the meeting is to discuss:

- A. The status of application acceptance;
- B. The provision of services to the subject site;
- C. Compliance with the provisions of the general plan, any applicable specific plan and this title; and
- D. Compliance with other city standards.

(Ord. No. 519, 8-8-2012)



ARTICLE II. ADMINISTRATION AND PROCEDURES

**17.36.080 Acceptance as complete.**

After submittal of the application, and within the time period required by state law, a determination shall be made as to whether or not the application is complete. Upon completion of the referral period or the PEM, when a PEM is held, a letter shall be sent to the applicant finding that all the submittal requirements have been satisfied and that the application has been accepted as complete, or itemizing any information which is necessary to complete the application. The letter shall also address areas in which the submitted plans are not in compliance with city standards and requirements and may address areas where the city believes the application does not conform to state or federal standards. The applicant may appeal the determination pursuant to Chapter 17.44 that additional information is necessary to the approval authority for the permit requested. If additional information is required and the application is not made complete within six months of application submittal, then the application shall be deemed withdrawn and no action will be taken on the application.

Permits which require approval of an amendment to this title or the general plan shall be processed concurrent with the legislative action, but the application for such permits shall not be deemed to be complete unless and until the legislative action becomes effective.

Upon acceptance of the application as complete, the planning department shall determine whether the proposed project qualifies for a CEQA exemption or conduct an initial study pursuant to CEQA to evaluate the environmental impacts associated with the proposed project. The planning department shall then prepare and, if required, circulate for public review, the appropriate environmental document.

(Ord. No. 519, 8-8-2012)

**17.36.090 Application review.**

Public notice of any meetings or hearings shall be given in accordance with Chapter 17.40. A written report and recommendations for action shall be prepared by the planning department and shall be mailed or delivered to the approval authority, the property owner and the applicant not less than three days prior to the public hearing or action on the application.

(Ord. No. 519, 8-8-2012)

**17.36.100 Approval authority action.**

The approval authority shall approve, conditionally approve, or deny the proposed permit or variance in accordance with the requirements of this title. In acting on a permit or variance, the approval authority shall make the applicable findings set forth in Section 17.40.070. An action of the approval authority may be appealed in accordance with the appeal procedures set forth in Chapter 17.44.

(Ord. No. 519, 8-8-2012)

**17.36.110 Notice of action.**

Within five working days of the action by the approval authority, a notice of action shall be mailed to the applicant at the address appearing on the application or to such other address designated in writing by the applicant. The notice shall contain the following information:

- A. The action taken by the approval authority.
- B. Any conditions of approval.
- C. The permit expiration date and extension or renewal requirements.
- D. Notice of the time for appeal.

ARTICLE II. ADMINISTRATION AND PROCEDURES

E. Notice of the legal requirement to pursue administrative remedies.

(Ord. No. 519, 8-8-2012)

**17.36.120 Effective date.**

An action which approves or denies a permit or variance, or which modifies or revokes a permit or variance or denies an application for modification or revocation of a permit or variance, which is subject to appeal shall be effective upon the expiration of the ten-day appeal period. No action shall be final until all appeal periods have expired, or until the final action on appeal has been rendered pursuant to this title.

(Ord. No. 519, 8-8-2012)

**17.36.130 Effect of permit.**

The approval of a permit or variance authorizes the applicant to proceed with the proposed project upon the effective date of the permit, subject to all conditions or restrictions imposed by the approval authority; provided, however, that all other permits, licenses, certificates and other grants of approval to which the proposed development project is subject are secured. No person shall obtain any right or privilege to use the property for any purpose or in any manner described in an application for a permit or variance, or a modification thereof, unless and until the decision granting the permit or variance or modification becomes effective.

(Ord. No. 519, 8-8-2012)

**17.36.140 Expiration.**

A permit shall expire and become null and void if not effectuated within the time specified in the permit, as otherwise specified in this title, or within twenty-four (24) months after the effective date, whichever period is longer. The original approval date of a permit shall be defined as the date on which the approval authority took action.

(Ord. No. 519, 8-8-2012)

**17.36.150 Land use permit effectuation.**

- A. The effectuation of a land use permit (e.g., conditional use permit, variance, design review permit and administrative permit) may occur under any of the following applicable circumstances:
  - 1. With regard to a land use permit authorizing the construction or modification of a building(s) or structure(s), a land use permit shall be effectuated when a building permit is issued by the city building division.
  - 2. With regard to a land use permit not associated with the construction or modification of property, building(s), or structure(s), the land use shall be effectuated when the use is initiated in substantial compliance with all applicable conditions, ordinances or resolutions in effect at the time the application was deemed complete.
- B. A land use permit modification subsequently approved under a separate action from the original permit, where the original approval has not been effectuated as aforementioned, is subject to the original expiration date associated with the original land use permit. However, in the event the original approval has been effectuated prior to action on the land use permit modification, then such land use permit modification shall be subject to the expiration date as stated within its conditions of approval and shall additionally be subject to above subsections 17.36.150A.1—3.

ARTICLE II. ADMINISTRATION AND PROCEDURES

(Ord. No. 519, 8-8-2012)

**17.36.160 Diligent pursuit required after effectuation.**

Following the initial approval of either the land use or construction permits described in Section 17.36.150, the planning director, or building official to whom the planning director delegates appropriate authority, shall ensure that adequate security is tendered by the permit applicant to ensure that the project is diligently pursued. If, in the judgment of the planning director, the project is not being diligently pursued to completion, the planning director may require the applicant to submit a schedule for completion of construction. If, in the opinion of the planning director, the schedule for completion of construction does not demonstrate substantial compliance with the conditions of approval, the planning director may initiate revocation or modification proceedings as specified in Chapter 17.56.

(Ord. No. 519, 8-8-2012)

**17.36.170 Phased construction.**

For projects that involve construction in phases, the time periods for the phases may be stated in the conditions of the permit so as to avoid a lapse of progressive development following the completion of the preceding phase.

(Ord. No. 519, 8-8-2012)

**17.36.180 Modifications.**

Any person holding a permit granted under this title may request a modification to that permit. For the purpose of this section, the modification of a permit may include modification of the terms of the permit itself, project design, or the waiver or alteration of conditions imposed in the granting of the permit. Requests for modification shall be processed as follows:

- A. Substantial conformity. If the proposed modifications are in substantial compliance with the approved permit, the planning director may determine that no formal action is required and shall approve the modifications which shall be incorporated into the permit.
- B. The approval authority for modifications shall be the planning director. Following a public notice, the director may waive the requirement for a public hearing. If a public hearing is requested, the planning director shall schedule and notice the permit for public hearing by the planning commission as specified by this title. A public hearing may be required for any modification at the discretion of the planning director, if the planning director deems it appropriate because of the location, size or design, or because the requested changes substantially modify the nature or scope of the permit.

(Ord. No. 519, 8-8-2012)

**17.36.190 Reconsideration.**

If there are any new or different facts, circumstances, or law which could not have been presented at the hearing on the application and which may affect the action taken, the approval authority may reconsider such action, if a request for reconsideration, along with the fee established by the city council, is filed with the planning department within ten (10) days (see definitions) following the date of the action. The requested reconsideration shall be subject to a public hearing and notice of such hearing shall be given as specified in Chapter 17.40. The failure of the applicant to present information which was available at or prior to the original action is not grounds for reconsideration.

ARTICLE II. ADMINISTRATION AND PROCEDURES

(Ord. No. 519, 8-8-2012)

**17.36.200 Reapplication.**

No application shall be accepted or acted upon, if within the preceding twelve (12) months, an application has been made and denied by an approval authority which involves substantially the same parcel and which requests approval of substantially the same permits, unless the planning director permits such reapplication because either of the following applies:

- A. New evidence has become available which was unavailable or unknown to the applicant at the time of the previous action and which could not have been discovered in the exercise of reasonable diligence by the applicant; or
- B. There has been a substantial and permanent change of relevant circumstances since the previous decision, which materially affects the parcel involved in the application.

(Ord. No. 519, 8-8-2012)

**17.36.210 Extension.**

The period within which effectuation of a permit must occur may be extended by the planning director's approval of an administrative permit. An application for such an extension shall be filed pursuant to Chapter 17.36.

The planning director may grant a single one-year extension for a permit which has been approved but has not been effectuated. The approval of an extension extends the expiration date for one year from the original permit expiration date. No additional extensions shall be granted for a permit which has been active for a period of three years, unless otherwise provided for in the conditions of approval or by this title. The permit, as extended, may be conditioned to comply with any development standards which may have been enacted since the permit was initially approved. The extension shall be granted if the findings specified in subsection 17.40.070D. are made. Any extension may require a public hearing at the discretion of the planning director.

(Ord. No. 519, 8-8-2012)

**17.36.220 Permit to run with land.**

Unless otherwise conditioned, a permit or variance granted pursuant to the provisions of this chapter shall be transferable upon a change of ownership of the site, business, service, use or structure, provided that the use and conditions of the original permit or variance are fully complied with and not modified or enlarged.

(Ord. No. 519, 8-8-2012)

**Chapter 17.40 PUBLIC REVIEW PROVISIONS AND APPROVAL STANDARDS**

**Sections:**

[17.40.010 Purpose.](#)

[17.40.020 Required public hearings, authorized approval authority and public notice.](#)

[17.40.030 Contents of public notice when a public hearing may be waived.](#)

[17.40.040 Contents of public notice when a formal public hearing is required.](#)

[17.40.050 Contents of public notice when an informal public hearing is required.](#)

ARTICLE II. ADMINISTRATION AND PROCEDURES

[17.40.060 Requests for notification.](#)

[17.40.070 Required findings for approval or conditional approval of permits and variances.](#)

**17.40.010 Purpose.**

The purpose of this chapter is to specify the public notice and hearing process for an application for a permit or variance, and the findings upon which an approval, conditional approval or denial is based.

(Ord. No. 519, 8-8-2012)

**17.40.020 Required public hearings, authorized approval authority and public notice.**

Type A. The public hearing may be waived. Notice of an intent to approve a development entitlement shall be mailed or delivered at least ten (10) days prior to an action to the applicant, the property owner, the owners, as shown on the most recent equalized assessment roll, of property within the limits set forth in Government Code Sections 65090 and 65091, and all persons who have requested notice, pursuant to Section 17.40.050 of this title.

Type B. Public hearing is required. Notice of the hearing shall be mailed or delivered at least 10 days prior to the public hearing to the applicant, the property owner, the owners, as shown on the most recent equalized assessment roll, of property within the limits set forth in Government Code Sections 65090 and 65091 or greater, and each local agency expected to provide water, sewer, streets, roads, schools or other essential facilities or services to the site. Notice shall also be provided to all persons who have requested notice, pursuant to Section 17.40.050 of this title. The radius list for notice of a permit application for an adult establishment shall be expanded as required by Section 17.128.070 of this title. The radius list for notice of a permit application for a nightclub use shall be expanded as required by Section 17.164.040 of this title.

Ten (10) days prior to the public hearing, notice shall also be provided by at least one of the following methods:

- A. Publication in a newspaper of general circulation within the city; or
- B. Posting in at least three public places within the city and posting the proposed project site.

Type C. The public hearing may be waived. Notice of intent to approve a development entitlement shall be posted on the proposed project site by the property owner at least ten (10) days prior to an action.

Type D. No public hearing required and no public notice is required. This type of process will only be used where the approvals requested are not combined with approvals which do require a public hearing or notice.

REQUIRED HEARINGS, AUTHORIZED APPROVAL AUTHORITY AND PUBLIC NOTICE		
	APPROVAL AUTHORITY	
	PLANNING DIRECTOR	PLANNING COMMISSION

# Title 17 - ZONING

## ARTICLE II. ADMINISTRATION AND PROCEDURES

TYPE OF PERMIT OR VARIANCE		
Administrative Permit	D	
Conditional Use Permit		B
Development Agreement		B*
Design Review Permit		B
Design Review Permit, Administrative	A/C/D	
Design Review Permit for Residential Subdivision		B
Extension	D	
Modification	A	
Planned Development Permit		B
Variance		B
Variance, Administrative	D	
Sign Permit		B
Sign Permit, Administrative	D	
General Plan Amendment		B
Rezone		B

\*See Sections 17.48.040 and 17.48.050 - the planning commission makes a recommendation to the city council.

(Ord. No. 519, 8-8-2012)

ARTICLE II. ADMINISTRATION AND PROCEDURES

**17.40.030 Contents of public notice when a public hearing may be waived.**

Whenever the provisions of Section 17.40.020 permit the waiving of a public hearing, the notice of intent to take action shall contain the following information:

- A. The name of the applicant;
- B. The file number assigned to the application;
- C. A general description of the nature of the request;
- D. A general description, in text or diagram, of the location of property, if any, that is subject to the hearing;
- E. The identity of the approval authority as the planning director and the scheduled date for action;
- F. The following statement: "The purpose of this notice is to inform you that an application for the described project has been submitted to the Colfax planning department. The planning director may approve the application without holding a public hearing, unless a public hearing is requested in writing by you or any individual wanting to comment on the project prior to the scheduled approval date;"
- G. Notice that if a decision is challenged in court, the challenge may be limited to raising only those issues which were raised at a public hearing, if a public hearing is requested, or in written correspondence delivered to the planning director at, or prior to, the public hearing; and
- H. A description of the procedure for requesting the scheduling of a public hearing or for filing an appeal.

(Ord. No. 519, 8-8-2012)

**17.40.040 Contents of public notice when a formal public hearing is required.**

The public notice when a public hearing is required shall contain the following information:

- A. The name of the applicant;
- B. The file number assigned to the application;
- C. A general description of the nature of the request;
- D. A general description, in text or diagram, of the location of property, if any, that is subject to the hearing;
- E. The date, time, and place of the public hearing;
- F. The identity of the approval authority and a brief description of the process and procedure for submitting public comment; and
- G. Notice that if a decision is challenged in court, the challenge may be limited to raising only those issues which were raised at the public hearing described in this notice, or in written correspondence delivered to the planning director at, or prior to, the public hearing.

(Ord. No. 519, 8-8-2012)

**17.40.050 Contents of public notice when an informal public hearing is required.**

The public notice when an informal public hearing is required shall contain the following information:

- A. The name of the applicant;

ARTICLE II. ADMINISTRATION AND PROCEDURES

- B. The file number assigned to the application;
- C. A general description of the nature of the request;
- D. The proposed topics and/or aspects of the project to be presented at the public hearing; and a description of the method of presentation;
- E. A general description, in text or diagram, of the location of property, if any, that is subject to the hearing;
- F. The date, time, and place of the public hearing;
- G. The identity of the approval authority and a brief description of the process and procedure for submitting public comment; and
- H. Notice that if a decision is challenged in court, the challenge may be limited to raising only those issues which were raised at the public hearing described in this notice, or in written correspondence delivered to the planning director at, or prior to, the public hearing.

(Ord. No. 519, 8-8-2012)

**17.40.060 Requests for notification.**

Any person who requests to be on a mailing list for notice of hearing for a development project or projects shall submit such request in writing to the planning department and such request shall be valid for one year after receipt of such request. The city may impose a reasonable fee by resolution of the council for the purpose of recovering the cost of such notification.

(Ord. No. 519, 8-8-2012)

**17.40.070 Required findings for approval or conditional approval of permits and variances.**

The approval authority may approve or conditionally approve an application for a permit or variance, as defined in Sections 17.32.010 and 17.32.020, only if all of the following applicable findings, in addition to such other findings throughout this title that are applicable to the application:

- A. Findings for an Administrative Permit or a Conditional Use Permit. The approval authority shall, based on evidence, make the following findings as a condition precedent to approval of an administrative permit or a conditional use permit:
  - 1. The proposed use or development is substantially consistent with the City of Colfax general plan and any applicable specific plan;
  - 2. The proposed use or development generally conforms with all applicable standards and requirements of this title; and
  - 3. The location, size, design and operating characteristics of the use or development is generally compatible with and shall not adversely affect or be materially detrimental to the health, safety, or welfare of persons residing or working in the area, or be detrimental or injurious to public or private property or improvements;
  - 4. The proposed use will not interfere with the nature and condition of the adjacent uses and structures.
- B. Findings for a Design Review Permit. The approval authority shall, based on evidence, make the following findings as a condition precedent to approval of a design review permit:
  - 1. For Zones other than the Historic District.



ARTICLE II. ADMINISTRATION AND PROCEDURES

- a. The project as approved allows beneficial use to be made of the site for development, preserves and accentuates the natural features of the property, such as open space, topography, trees, wetlands and water courses, and provides adequate drainage for the project.
  - b. The project site design as approved provides access, vehicle parking, vehicle, pedestrian and bicycle circulation, loading areas, landscaping and irrigation and lighting which results in a safe, efficient, and harmonious development and which is consistent with the applicable goals, policies and objectives set forth in the general plan and the design guidelines established for that zone district.
  - c. The building design, including the materials, colors, height, bulk, size and relief, and the arrangement of the structures on the site, as approved is harmonious with other development and buildings in the vicinity and which is consistent with the applicable goals, policies and objectives set forth in the general plan and the design guidelines established for that zone district.
  - d. The design of the public services, as approved, including, but not limited to trash enclosures and service equipment are located so as not to detract from the appearance of the site, and are screened appropriately and effectively using construction materials, colors and landscaping that are harmonious with the site and the building designs.
2. For the Historic Zone District.
  - a. The project will maintain the small town character that makes Colfax a desirable place to live.
  - b. The project will maintain and enhance the city's character and visual appearance in order to create a quality future community.
  - c. The project will maintain and enhance the historic resources, qualities, and character of the City of Colfax.
- C. Findings for an Administrative Design Review Permit. The approval authority shall, based on evidence, make the following findings as a condition precedent to approval of an administrative design review permit.
  1. The proposed improvement is substantially compatible with the existing structure and complimentary to the adjacent land uses.
  2. The proposed improvement substantially complies with all applicable standards and requirements of this title, with the applicable goals, policies and objectives set forth in the general plan, building code and the applicable community design guidelines.
- D. Findings for a Sign Permit. The approval authority shall, based on evidence, make the following findings as a condition precedent to approval of a sign permit:
  1. The proposed sign is substantially consistent with the standards of the city's sign guidelines and the goals, objectives and policies of the city general plan and any applicable design guidelines.
  2. The proposed sign conforms to applicable development standards and will not be detrimental to the public health, safety or welfare.
  3. The physical location or placement of the sign is compatible with the surrounding neighborhood and does not pose a safety risk.
  4. The required finding for incidental and supplemental signs is as follows: The proposed general design, arrangement, texture, colors and lighting placement are substantially

ARTICLE II. ADMINISTRATION AND PROCEDURES

consistent with the purposes and regulations of the city's sign guidelines and any applicable design guidelines.

- E. Findings for a Sign Permit for a Mural. The approval authority shall, based on evidence, make the following findings as a condition precedent to approval of a sign permit for a mural:
  - 1. The proposed mural is substantially consistent with the goals, objectives and policies of the city general plan and any applicable design guidelines or approvals;
  - 2. The proposed mural will not be detrimental to the public health, safety or welfare;
  - 3. The proposed mural, including the physical location or placement, size and design is substantially consistent with the character of the district and the neighborhood within which it is located;
  - 4. The proposed mural, including the physical location or placement, size and design, is substantially consistent with the character of the building or wall upon which it is placed and will complement the architecture or aesthetics of the building or wall.
- F. Findings for an Extension. The approval authority shall, based on evidence, make the following findings as a condition precedent to approval of an extension:
  - 1. The proposed development is in compliance with all standards in effect as of the date of application for the extension, or there is no public benefit to the imposition of current standards comparable to the cost of imposing them; or
  - 2. No change has occurred in the circumstances or in the factual basis on which the approval was made since the date of original approval, which results in the inability to make findings of approval for the extension consistent with those originally made.
- G. Findings for a Variance. The approval authority shall, based on substantial evidence in the record before it, make all of the following findings as a condition precedent to approval of a variance [applies to variances only, see subsection 17.40.070A. for findings applicable to approval of a conditional use permit]:
  - 1. There are special circumstances applicable to the property, including size, shape, topography, location or surroundings, such that the strict application of the provisions of this zoning ordinance deprives the property of privileges enjoyed by other property in the vicinity and under identical land use; and
  - 2. The granting of the variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is located; and
  - 3. The granting of the variance does not allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel; and
  - 4. The granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to the property or improvements in such vicinity and land use district in which the property is located.
- H. Findings for a Planned Development Permit. The approval authority shall, based on evidence, make the following findings as a condition precedent to approval of a planned development permit:
  - 1. The use and design of the proposed development conforms with the requirements of the relevant planned development zone district and the requirements of this title.
  - 2. The location, size, design and operating characteristics of the use or development is to be compatible with and will not adversely affect or be materially detrimental to the health, safety, or welfare of persons residing or working in the area, and will not be detrimental or injurious to public or private property or improvements.

ARTICLE II. ADMINISTRATION AND PROCEDURES

3. Financial Ability of the Proponents. That the proponents of the planned development have demonstrated to the satisfaction of the planning commission that:
  - a. They are financially able to carry out the proposed project;
  - b. They intend to start construction within one year after the approval of the project and any necessary zoning district change; or
  - c. They intend to complete such construction within a reasonable time as determined by the planning commission.
- I. Findings for a Design Review Permit for Residential Subdivision. The approval authority shall, based on evidence, make the following findings as a condition precedent to approval of a design review permit for residential subdivisions:
  1. The residential design, including the height, bulk, size and arrangement of buildings is harmonious with other buildings in the vicinity.
  2. The residential design is consistent with applicable design guidelines.
- J. Findings for a Modification. The approval authority shall, based on evidence, make the following findings as a condition precedent to approval of a modification:
  1. The proposed modification is substantially consistent with the intent of the original approval.
  2. The proposed modification substantially complies with all applicable standards and requirements of this title, with the applicable goals, policies and objectives set forth in the general plan and the applicable community design guidelines.

(Ord. No. 519, 8-8-2012)

**Chapter 17.44 APPEALS**

**Sections:**

[17.44.010 Purpose.](#)

[17.44.020 Appeal of decision or findings.](#)

[17.44.030 Filing an appeal of the planning director's or city manager's action or decision.](#)

[17.44.040 Filing an appeal of the planning commission's action or decision.](#)

[17.44.050 Effect of filing an appeal.](#)

[17.44.060 Hearings and notices.](#)

[17.44.070 Action on appeal.](#)

[17.44.080 Referrals.](#)

[17.44.090 Action by council is final.](#)

**17.44.010 Purpose.**

This chapter identifies the procedures for filing and processing an appeal.

(Ord. No. 519, 8-8-2012)

## Title 17 - ZONING

### ARTICLE II. ADMINISTRATION AND PROCEDURES

#### **17.44.020 Appeal of decision or findings.**

Any person aggrieved by an interpretation or action of the planning director, city manager or planning commission, made pursuant to this article, may appeal such action to the appropriate appeal authority, as shown in Table 17.44, by filing a written appeal with the appropriate fee within ten (10) days from the date of action by the approval authority. All appeals shall be filed with the city clerk's office, except appeals of the planning director's action, which shall be filed at the planning department.

TABLE 17.44

APPEAL FROM ACTION OR DECISION OF:	APPEAL AUTHORITY		
	CITY MANAGER	PLANNING COMMISSION	CITY COUNCIL
Planning Director	X		
City Manager		X	
Planning Commission			X

(Ord. No. 519, 8-8-2012)

#### **17.44.030 Filing an appeal of the planning director's or city manager's action or decision.**

The planning department shall provide a standard form for the filing of an appeal of the action of the planning director or city manager. The appeal shall be filed within ten (10) days from the date of action and with the planning department with such fees as may be established by the city council. The appeal shall specify the action being appealed and shall state the specific grounds for the appeal. If only certain conditions of an approval are being appealed, the specific conditions shall be identified and the specific grounds for appeal of the conditions shall be specified.

(Ord. No. 519, 8-8-2012)

#### **17.44.040 Filing an appeal of the planning commission's action or decision.**

The city clerk shall provide a standard form for the filing of an appeal of the action of the planning commission. The appeal shall be filed with the city clerk with such fees as may be established by the city council. The appeal shall specify the action being appealed and shall state the specific grounds for the appeal. If only certain conditions of an approval are being appealed, the specific conditions shall be identified and the specific grounds for appeal of the conditions shall be specified.

(Ord. No. 519, 8-8-2012)

ARTICLE II. ADMINISTRATION AND PROCEDURES

**17.44.050 Effect of filing an appeal.**

A timely appeal of an action shall stay the effective date of the action, for that portion of the permit or variance being appealed, until the appeal has been acted upon or withdrawn. If only certain conditions are appealed, the effective date of approval shall remain the date of action by the approval authority.

(Ord. No. 519, 8-8-2012)

**17.44.060 Hearings and notices.**

There is no hearing required for the appeal of a planning director's decision. Where the decision to be rendered is to be made by either the city manager or planning commission, such decision is appealable. The planning director or the city clerk, as provided above, shall give notice of the appeal authority's public hearing to consider the appeal of the city manager or planning commission decision at least ten (10) days prior to the hearing date. The form, content, and method of providing notice shall be consistent with notice Type B, Section 17.40.020 of this title. Such hearing shall be held within sixty (60) calendar days from the last day of the appeal period. The appellant shall not be granted a continuance of the appeal beyond the sixty-day period. The costs of an appeal shall be borne by the appellant.

(Ord. No. 519, 8-8-2012)

**17.44.070 Action on appeal.**

Each appeal shall be considered to be a de novo hearing on the matter being appealed. The appeal authority may grant the appeal, grant the appeal in part, or deny the appeal. In taking its action on an appeal, the appeal authority shall state the basis for the action being taken on the appeal, and may refer the matter back to the original approval authority for further action. The appeal authority may modify or delete any conditions which have been appealed, or add such conditions as may be necessary to address the issues being appealed, or may modify or delete any other conditions of approval which are necessarily related to those which have been appealed. Any condition which was not appealed, and which has not been modified or deleted upon appeal, shall remain unaffected.

(Ord. No. 519, 8-8-2012)

**17.44.080 Referrals.**

The council may refer a matter back to the approval authority if the council finds that there is information that was not made available to the approval authority which may have affected the decision. The approval authority shall hold a public hearing on the matter within sixty (60) days following the city council's date of referral.

(Ord. No. 519, 8-8-2012)

**17.44.090 Action by council is final.**

The decision of the city council on an appeal is final, except as allowed under the provisions for reconsideration (Section 17.36.190).

(Ord. No. 519, 8-8-2012)

**Chapter 17.48 DEVELOPMENT AGREEMENTS**

**Sections:**

ARTICLE II. ADMINISTRATION AND PROCEDURES

[17.48.010 Purpose.](#)

[17.48.020 Form of agreement.](#)

[17.48.030 Review by planning commission.](#)

[17.48.040 Council hearing.](#)

[17.48.050 Amendment or cancellation.](#)

[17.48.060 Recordation of agreement, amendment or cancellation.](#)

[17.48.070 Periodic review.](#)

**17.48.010 Purpose.**

This chapter is adopted in compliance with the provisions of California Government Code Sections 65864 to 65869.5 (the "Development Agreement law" and the city intends that the provisions of this chapter shall be read and interpreted so as to comply with the development agreement law as it may be hereafter amended.

(Ord. No. 519, 8-8-2012)

**17.48.020 Form of agreement.**

Each application shall be accompanied by the form of standard development agreement established by the city and approved by the council with any additional alternatives, modifications or changes proposed by the applicant.

(Ord. No. 519, 8-8-2012)

**17.48.030 Review by planning commission.**

After a public hearing by the planning commission, which may be held in conjunction with other required hearings for the project including amendments to the general plan, rezonings, subdivision maps, or conditional use permits, the planning commission shall make its recommendation in writing to the council. The recommendation shall include consideration of the following:

- A. Consistency with the objectives, policies, general land uses and programs specified in the general plan and any applicable specific plan and/or special districts;
- B. Consistency with the provisions of this code;
- C. Conformity with public health, safety and general welfare;
- D. The affect on the orderly development of property or the preservation of property values;
- E. Whether the provisions of the agreement shall provide sufficient benefit to the city and its residents to justify entering into the agreement; and
- F. Conformity with the provisions of Government Code Section 65867.5 and, if applicable, Government Code Section 66473.7.

(Ord. No. 519, 8-8-2012)

ARTICLE II. ADMINISTRATION AND PROCEDURES

**17.48.040 Council hearing.**

Following notice as provided by Section 17.48.020, above, the council shall hold a public hearing. It may accept, modify or disapprove the recommendation of the planning commission. In the event that the city council sitting at the time of the public hearing also sits as the planning commission, the development agreement shall be heard directly by the city council. The council shall not approve the development agreement unless it finds that the provisions of the agreement are consistent with the general plan and any applicable specific plan and/or special districts and after consideration of the factors set forth in Section 17.48.030, above.

(Ord. No. 519, 8-8-2012)

**17.48.050 Amendment or cancellation.**

Either party may propose an amendment to, or cancellation in whole or in part, of an executed development agreement following the provisions of Government Code Sections 65865.1 and 65868, within thirty (30) days after its adoption.

(Ord. No. 519, 8-8-2012)

**17.48.060 Recordation of agreement, amendment or cancellation.**

- A. Within ten (10) days after the city enters into the development agreement, the city clerk shall have the agreement recorded with the county recorder.
- B. If the parties to the agreement or their successors in interest proposed to terminate or modify the agreement as provided in Government Code Section 65865.1 for failure of the applicant or its successor in interest to comply in good faith with the terms or conditions of the agreement, the city clerk shall likewise notice such action recorded with the county recorder as provided in the statute.

(Ord. No. 519, 8-8-2012)

**17.48.070 Periodic review.**

Per Government Code Section 65865.1, the city shall review the development agreement at least once every twelve (12) months from the date the agreement is entered into.

- A. The city shall begin the review proceeding by giving notice that the city intends to undertake a periodic review of the development agreement to the property owner. The city shall give the notice at least thirty (30) days before the date when the matter shall be considered by the council. The notice shall specify that the property owner provide a report to the city detailing what has been done on the project in the last year which demonstrates good faith compliance with the terms of the agreement. The report shall be provided at least two weeks before the hearing date. City staff shall review the owner's compliance report.
- B. The council shall receive the city's report at a regularly scheduled city council meeting. A public hearing may be held but is not required. At the meeting, the applicant or its successor in interest must demonstrate good faith compliance with the terms of the agreement. The burden of proof on this issue is upon the applicant or its successor in interest. If a public hearing is held, notice of the hearing shall be given as provided by Section 17.48.030
- C. The council shall determine, on the basis of substantial evidence in the record before it, whether the applicant or its successor in interest has met its burden of demonstrating that it complied in good faith with the terms and conditions of the agreement.

ARTICLE II. ADMINISTRATION AND PROCEDURES

- D. If the council finds and determines that the applicant or its successor in interest has complied in good faith with the terms and conditions of the agreement during the period under review, the review for that period is concluded. If the council finds and determines that the applicant or its successor in interest has not complied in good faith with the terms and conditions of the agreement during the period under review, the council shall begin noticed proceedings to terminate or modify the agreement.

(Ord. No. 519, 8-8-2012)

**Chapter 17.52 ZONING CODE AMENDMENTS**

**Sections:**

[17.52.010 Purpose.](#)

[17.52.020 Initiation of amendment.](#)

[17.52.030 Application form, fees and processing.](#)

[17.52.040 Planning director report.](#)

[17.52.050 Recommendation on amendment.](#)

[17.52.060 City council action.](#)

**17.52.010 Purpose.**

Any amendment to this title, which changes the zoning on any parcel or which modifies any provision of this title, shall be adopted in the manner set forth in this chapter.

(Ord. No. 519, 8-8-2012)

**17.52.020 Initiation of amendment.**

An amendment of this chapter may be initiated in any of the following manners:

- A. Upon motion of the city council.
- B. Upon motion of the planning commission.
- C. Upon application by a property owner or owners of a parcel to be affected by an amendment of the zoning map which rezones the parcel, or amending the text of this title which applies to the parcel.
- D. Upon recommendation by the planning director to clarify text, address changes mandated by state law, maintain general plan and specific plan consistency, to address minor boundary adjustments, or for any other reason beneficial to the city.

(Ord. No. 519, 8-8-2012)

**17.52.030 Application form, fees and processing.**

- A. Application. An application for an amendment to this title pursuant to subsection 17.52.020C., shall be submitted to the planning department on a signed application form provided by the planning department. The application shall be accompanied by a description of the amendment, a fee as



ARTICLE II. ADMINISTRATION AND PROCEDURES

established by resolution of the city council and any other information required by the planning department in order to determine compliance with this title, the general plan and any applicable specific plan.

- B. Concurrent Processing. An application for an amendment may be processed concurrently with other applications, at the discretion of the planning director. Permits or variances approved in conjunction with a zoning ordinance amendment application shall not become effective until the zoning ordinance amendment is effective.
- C. Review. Upon acceptance of the application, the planning department shall review the request and shall prepare a written report.
- D. Public Hearing. The planning director shall give notice of the planning commission's intention to consider an amendment in accordance with Government Code Section 65854 as amended from time to time. The planning director may also provide such additional notice as the planning director deems appropriate or necessary based upon the nature of the proposed amendment.

(Ord. No. 519, 8-8-2012)

**17.52.040 Planning director report.**

The planning director shall prepare a written report which shall be mailed or delivered to the planning commission and the applicant not less than three days prior to the hearing.

(Ord. No. 519, 8-8-2012)

**17.52.050 Recommendation on amendment.**

- A. Following a public hearing, the planning commission shall consider the proposed amendment and make a recommendation to the city council. The planning commission shall include the reasons supporting their recommendation and shall, at a minimum, discuss whether the proposed amendment is consistent with:
  - 1. The public interest, health, safety, or welfare of the city; and
  - 2. The general plan.
- B. The decision of the planning commission shall constitute a recommendation to the city council.

(Ord. No. 519, 8-8-2012)

**17.52.060 City council action.**

Prior to taking action on a recommendation by the planning commission for an amendment, the city council shall consider the recommendation and basis for the recommendation of the planning commission.

(Ord. No. 519, 8-8-2012)

**Chapter 17.56 REVOCATION PROCEDURE**

**Sections:**

[17.56.010 Purpose.](#)

[17.56.020 Automatic revocation of a permit.](#)

[17.56.030 Revocation or modification of a permit for cause.](#)

ARTICLE II. ADMINISTRATION AND PROCEDURES

[17.56.040 Revocation hearing.](#)

**17.56.010 Purpose.**

This chapter provides the process for the revocation or modification of any permit, or variance granted under this chapter.

(Ord. No. 519, 8-8-2012)

**17.56.020 Automatic revocation of a permit.**

Notwithstanding any other provisions of this title to the contrary, a permit or variance shall cease to be valid, and all rights or privileges granted thereby shall lapse, whenever there becomes final any judgment of a court of competent jurisdiction declaring one or more of the conditions of approval to be void or unenforceable, or enjoining or otherwise prohibiting the enforcement or operation of one or more of such conditions.

(Ord. No. 519, 8-8-2012)

**17.56.030 Revocation or modification of a permit for cause.**

A permit or variance may be revoked or modified for cause as provided by the provisions of this section. For purposes of this chapter, the modification of a permit or variance may include the modification of the terms of the permit or variance itself or the waiver, alteration or imposition of new conditions.

- A. Grounds for Revocation or Modification. A permit may be revoked or modified upon a finding of any of the following grounds:
  - 1. The permit was obtained or extended by substantially false, misleading or incomplete information;
  - 2. One or more of the conditions upon which the permit was approved have been violated, or have not been complied with.
- B. Initiation of Action. The revocation of a permit or the modification of the conditions of approval of a permit shall be initiated by order of the planning commission. The order shall specify the basis upon which the action to revoke the permit or to modify the conditions is to be evaluated during the hearing to revoke or modify.

(Ord. No. 519, 8-8-2012)

**17.56.040 Revocation hearing.**

- A. The city council shall hold a formal public hearing on the revocation of a permit or the modification of the conditions of a permit on the grounds stated by the planning commission. The hearing shall be held in a timely manner after the issuance of an order of the planning commission. The hearing shall be noticed in the manner provided for a Type B notice as set forth in Section 17.40.020. The council may grant a continuance of the hearing date upon a showing of reasonable cause or to allow the permittee additional time to adequately prepare for the hearing.

ARTICLE II. ADMINISTRATION AND PROCEDURES

- B. At the hearing, which shall be conducted pursuant to Colfax Municipal Code Section 1.28, the planning department shall present evidence showing the cause for revocation of the permit or modification of the conditions of the permit. The permittee shall be entitled to present additional or rebuttal evidence as he or she may desire regarding the issues in question. The city council shall consider all of the evidence, and may revoke the permit or modify a condition of a permit if it finds by a preponderance of the evidence that:
1. The permit was obtained or extended based upon substantially false, misleading, or incomplete information submitted with the application for the permit; or
  2. One (or more) of the conditions upon which the permit was approved has been violated, or has not been fully complied with in a timely manner.
- C. In its discretion, the city council may modify or delete the conditions of approval or add new conditions of approval in lieu of revoking a permit in order to address the issues raised by the revocation hearing. The decision of the city council shall be final.

(Ord. No. 519, 8-8-2012)

**Chapter 17.60 ENFORCEMENT**

**Sections:**

[17.60.010 Purpose.](#)

[17.60.020 Enforcement.](#)

[17.60.030 Penalty for violation.](#)

[17.60.040 Nuisances declared—Abatement.](#)

[17.60.050 Remedies cumulative.](#)

**17.60.010 Purpose.**

The purpose of these provisions is to provide uniform enforcement procedures for the requirements of this title.

(Ord. No. 519, 8-8-2012)

**17.60.020 Enforcement.**

It shall be the duty of the chief building official to enforce the provisions of this title pertaining to the erection, construction, reconstruction, moving, conversion, alteration, or addition to or of any building or structure. All departments, officials and public employees vested with the duty or authority to issue permits or licenses shall not issue a permit or license for uses, buildings or purposes in conflict with the provisions of this title and any such permit or license issued in conflict with the provisions of this title shall be null and void. The planning director may delegate enforcement responsibilities to other city employees.

(Ord. No. 519, 8-8-2012)

## Title 17 - ZONING

### ARTICLE II. ADMINISTRATION AND PROCEDURES

#### **17.60.030 Penalty for violation.**

Any property owner, person, firm, or corporation, whether as principal, agent, employee or otherwise, violating any provision of this title shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable in accordance with the penalties set forth in Chapter 1.24 of the Colfax Municipal Code. Any property owner, person, firm, or corporation shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of this title is committed, continued or permitted by such person, firm or corporation, and shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of this title is committed, continued or permitted by such person, firm or corporation, and shall be punishable as provided herein. Penalties under the administrative enforcement provisions of Chapter 1.24 of the Colfax Municipal code may be imposed in lieu of, but not in addition to, penalties imposed by the court for any single violation.

(Ord. No. 519, 8-8-2012)

#### **17.60.040 Nuisances declared—Abatement.**

Any building, structure, or landscaping that is set-up, erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this title, or any use of any land, building, or premises established, conducted, operated, or maintained contrary to the provisions of this title, or failure to comply with any of the conditions of a permit or variance granted under this title is declared to be a public nuisance. The city attorney may initiate an action or proceedings for the abatement and removal and injunction of said public nuisance in the manner prescribed by law, and may take such other steps and shall apply to such courts as may have jurisdiction to grant such relief as shall abate and remove such building or structure, and restrain and enjoin any property owner, person, firm, or corporation from setting up, erecting, building, maintaining, or using any such building contrary to the provisions of this title.

(Ord. No. 519, 8-8-2012)

#### **17.60.050 Remedies cumulative.**

The remedies provided for herein shall be cumulative and not exclusive.

(Ord. No. 519, 8-8-2012)